

CLERK'S OFFICE U.S. DIST. COURT

AT ROANOKE, VA

FILED 01

APR 30 2012

JULIA C. DUBOIS

BY:

DEPT

UNITED STATES DISTRICT COURT

for the

WESTERN DISTRICT OF VIRGINIA

United States of America)

v.)

TYRONE L. CARTER)

Case No: 4:94CR70064

USM No: 04523-084

Date of Previous Judgment: 04/09/2008)

(Use Date of Last Amended Judgment if Applicable))

Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months is reduced to _____.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: _____

Amended Offense Level: _____

Criminal History Category: _____

Criminal History Category: _____

Previous Guideline Range: _____ to _____ months

Amended Guideline Range: _____ to _____ months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ Other (explain): _____

III. ADDITIONAL COMMENTS

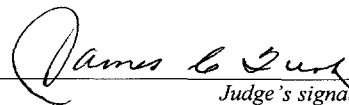
Recent legislative amendments that reduced the statutory mandatory minimums are not retroactive. Because the defendant's advisory guideline range remains defined by the old mandatory minimum, that range has not changed, and he is not eligible for the requested sentence reduction under 18 U.S.C. § 3592(c). The court commends the defendant for working diligently to rehabilitate himself in prison, but has no authority to reduce the sentence.

Except as provided above, all provisions of the judgment dated 04/09/2008 shall remain in effect.

IT IS SO ORDERED.

Order Date: _____

April 30, 2012


Judge's signature

Effective Date: _____

(if different from order date)

James C. Turk, Senior United States District Judge

Printed name and title